

**MINUTES OF THE
AUBURN CITY PLANNING COMMISSION
MAY 20, 2003**

The regular session of the Auburn City Planning Commission was called to order on May 20, 2003 at 6:30 p.m. by Chairman Nesbitt in the Council Chambers, 1225 Lincoln Way, Auburn, California.

COMMISSIONERS PRESENT: Hale, Manning, McCord, Smith, Chrm. Nesbitt

COMMISSIONERS ABSENT: None

STAFF PRESENT: Will Wong, Community Development Director; Reg Murray, Associate Planner; James Michaels, Assistant Planner; Mark D'Ambrogi, Fire Chief; Tom Fossum, Public Works Director; Janet Ferro, Administrative Assistant

ITEM I: CALL TO ORDER

ITEM II: PLEDGE OF ALLEGIANCE

ITEM III: APPROVAL OF MINUTES

The minutes of May 6, 2003 were approved as submitted.

ITEM IV: PUBLIC COMMENT

None.

ITEM V: PUBLIC HEARING ITEMS

A. Historic Design Review – 799 Lincoln Way (Z-Pie) – File HDR 03-11. The applicant requests Historic Design Review approval for restaurant signage.

Assistant Planner James Michaels gave the staff report. He described the colors and materials proposed and noted staff supports the request.

The public hearing was opened.

There was no one wishing to speak and the public hearing was closed.

Comm. McCord **MOVED** to find the project Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 15301 (Existing Facilities), and to approve the proposed signage for Z-Pie subject to the conditions listed in Exhibit A of the staff report.

Comm. Smith **SECONDED**.

AYES: Hale, Manning, McCord, Smith, Chrm. Nesbitt
NOES: None
ABSTAIN: None
ABSENT: None

The motion was approved.

B. Historic Design Review – 700 Lincoln Way (Norris Electric) – File HDR 03-12. The applicant requests Historic Design Review approval for façade revisions to the Norris Electric building.

James Michaels gave the staff report, further describing the façade changes proposed.

The public hearing was opened.

There being no one wishing to speak the public hearing was closed.

Comm. Smith **MOVED** to find the project Categorically Exempt from the California Environmental Quality Act (CEQA per Section 15301 (Existing Facilities), and to approve the proposed exterior modifications to the existing building for Norris Electric subject to the conditions listed in Exhibit A of the staff report.

Comm. Manning **SECONDED**.

AYES: Hale, Manning, McCord, Smith, Chrm. Nesbitt
NOES: None
ABSTAIN: None
ABSENT: None

The motion was approved.

C. Rezone, Tentative Subdivision Map, Use Permit, and Tree Permit – 4205 Eagles Nest (Canyon Rim Estates) – File RE 02-4; SUB 02-3; UP 02-9; TP 03-1. The applicant requests approval of a Rezone, Tentative Subdivision Map, Use Permit and Tree Permit associated with the Canyon Rim Estates subdivision. The Canyon Rim Estates development includes a Tentative Subdivision Map to subdivide +- 120 acres into twenty-three (23) single-family residential lots that range in size from 0.50 to 3.0 acres in size. Also associated with the request is a Rezone to change the zoning from Agricultural Residential (3.6 acre lots) to Agricultural Residential (5.0 acre lots); a Use Permit to establish residential planned development standards for the subdivision, and a Tree Permit for the removal of at least 241 native trees.

Associate Planner Reg Murray gave the staff report. He described the project proposed and reviewed history of the site. He gave additional information on each of the entitlements necessary to approve the project, Tentative Subdivision Map, Use Permit, Rezone and Tree Permit.

He explained how the issue of access, that was a problem with the previous submittal, had been resolved. The rezone request reduced the allowable lot size so that the zoning would be consistent with the Public Resources Code for road length for the subdivision. The Use Permit proposal would establish a Planned Unit Development to allow “clustering” of units to allow the Open Space area planned. Regarding the Tentative Map, he described the road planned, gave drainage and grading details, and advised that it met with Fire Department approval for access to lots, turnaround ability, etc. Staff supports this project.

He responded to Commissioners questions.

The public hearing was opened.

Randy Wall, R & B Engineering, engineer on the project gave additional information on several points noted by the Commissioners.

General Plan:	The project is consistent with the Rural Density Residential designation in the General Plan.
Setbacks:	Consistent with Granite Bay Vista Estates subdivision, approved by Planning Commission last year.
EIR:	Down zoning request makes impacts less than those anticipated in the Environmental Impact Report developed for the 1992 General Plan.
Trees:	Approximately 90% tree retention.

Grading: No mass grading proposed.

He described in detail the fire protection requirements that would be in place for this project, and gave details of the shaded fuel break that will be required for each lot.

The following residents commented on the project:

Art Kreuger
Bob Snyder
Kurt Hanson
Shari Kreuger
Dan Sage
Norm Follet
Nancy Costner

The main concern of most of these residents regarded fire access and the possibility of increased fire danger. Comments were also made regarding several existing trails that would be eliminated by this project; steepness of terrain considered by some to be too steep to build on; the road proposed would hinder access for emergency firefighting equipment; removal of trees and brush will cause runoff into American River.

The next speaker was Steven Proe of Greenwood, California, El Dorado County, stating he was speaking as an individual and also representing the California Sport Fishing Association and the South Auburn Neighborhood Association. He gave the Commissioners a letter from a biologist who had reviewed the project, Miriam Green, who disagreed with the report of the applicant's biologist. He then stated that under the California Environmental Quality Act (CEQA) guidelines, any time you have two experts with conflicting views, a Mitigated Negative Declaration is no longer allowed and a full EIR is then required.

He stated that complaints have also been filed with the Regional Water Quality Control Board, U. S. Fish and Wildlife Service, and 9 other agencies because no attempt has been made to address storm water runoff from this project, adjacent projects, and from the historic ditch, which he stated have consistently dumped their products directly through the drainages that go through this property. He said these agencies found the complaint to be an egregious situation as to what was occurring, both existing conditions and what the project was proposing. He stated the plan does not call for any retention or detention ponds where the runoff could be captured and the impurities separated out, that the proposal is to collect the water into a

pipeline to discharge into the natural water courses that flow directly into the north fork of the American River.

He addressed fire safety, stating that when mitigations are made, CEQA requires a legally enforced mitigation monitoring and implementation plan, and the proposal does not include this requirement. He felt the project is incomplete, premature, and has major issues that are called “piecemealing”, doing a little piece here and then evaluate the impacts. He felt the public was not given the opportunity to have meaningful input, the opportunity to change peoples minds and the chance to influence the decision making process as called for by CEQA.

Proe stated disagreement with the staff report statement that the visual impact is insignificant, without providing supporting documents. He stated that in regard to cuts and fills, as he read the stakes on the property there was 19 feet of cuts and fills on the roadway and that would be a blight to anyone’s visual scene. He believed that the site consists of solid rock with 6-8 inches of soil on top, that there would have to be blasting causing impacts of dust and other products that had not been properly addressed at this time, stating that a dust mitigation plan would be done in the future. The fact that it did not exist in the documents supplied meant that he could comment not on the plan, and the same was true for the grading that would be done.

Proe concluded by saying that his request is that the Commission deny the project, send it back to staff for a full EIR as prescribed by CEQA, and include the NEPA aspect for the adjacent government lands.

The Chairman called for a 10 minute break.

The meeting reconvened at 8:40 p.m.

The following people spoke on the project:

Bill Harder
David Jenkins
Elias Gonzales

They expressed concerns with fire safety; EIR Negative Declaration; cumulative impact of the number of homes recently constructed in the City of Auburn; and the loss of many homeowners associations that have disbanded.

Randy Wall returned to clarify several points noted by previous speakers.

- The Western States Trail and trails utilized by long distance races through the canyon do not exist on this property.
- The clustering of houses in the proposal is encouraged by the Auburn General Plan in areas such as these to minimize the environmental impact of the project.
- Most of the very steep areas are being dedicated as open space; the areas proposed to be built on have slopes between 0 and 30%, consistent with the General Plan.
- The road planned will enhance canyon access, not degrade it. He pointed out modern fire protection measures that would be implemented: shaded fuel break, defensible spaces, non-combustible construction requirement, wider streets.
- Erosion and sedimentation control plan on property was submitted to City of Auburn and implemented in 1996, along with hydro seeding also done at that time to mitigate erosion runoff into American River watershed.

He then addressed comments of Steven Proe:

- He did not agree that two consultants who disagree requires an EIR, stating that it was up to the regulatory agency to take in and review documents to determine if they are adequate.
- Regarding the statement that complaints were made to the State Regional Water Quality Control Board and 9 other regulatory agencies, he stated he has been worked on this project for 7 years and this is the first time he had heard of any complaint. He would like to see the complaint documents and their reaction in writing.
- Regarding the statement that no attempt had been made to control runoff from this project, he pointed out a condition that a National Pollution Discharge Elimination System and PDES Storm Water Pollution Prevention plan will be required for the project. This would have to be completed and approved prior to the approval of the construction documents.
- The statement was made that there was no analysis or review in regard to retention or detention ponds. The regulatory agency for re-

tention and detention in Placer County is the Placer County Storm water Control District, the project was reviewed by that agency and there is a letter in the file stating that this is an area where detention is not recommended.

- Regarding piecemealing, that this project is based upon future approvals, most notably the future approval is that of the impacts to the canal, if it's going to be encased. He responded that the impacts to the encasement of the canal are contained in the Negative Declaration. Their efforts to appeal the canal encasement are based on the significance of the canal to the community, and that it has been proven to P.C.W.A. that there are no impacts to water quality.
- There was a statement that there has been no review in regard to air pollution control. He pointed out an air quality study done specifically for the project and is in the file. There is a requirement in the conditions of approval that a dust control plan and air quality plan shall be reviewed and approved by Placer County Air Pollution Control District prior to the City approving the improvement plans.
- Regarding bedrock below the top 6 inches of ground with no geologic analysis done, Wall pointed out there is a design level geotechnical engineering report in the file that addresses the construction of improvements for the project, individual home construction, and a specific study addressing the earthquake faults in the area.

Wall concluded by noting that a previous speaker felt there should be a more intense review of the proposal to evaluate the cumulative impacts of the project along with 563 homes already approved in the City, he referred to an EIR done for the City of Auburn that reviewed these impacts, the EIR 1992 General Plan, approved by the City Council prior to approval of the General Plan.

Comm. McCord inquired about whether there should be detention ponds because of storm water runoff, and whether grading would be an issue.

Wall explained that detention ponds were typically installed to reduce the runoff to reduce impacts to people downstream, however there was no development downstream from this project. He went on to say that the retaining walls and elimination of sidewalks on one side of the road was done to minimize landform disturbance.

Art Krueger returned to point out that he has seen where trees have been removed on the property, and also that because of the potential impact in many areas, safety and many other concerns noted earlier, he asked that the Commission deny approval of this project.

Bill Harder also returned to state that a 30 degree slope referenced earlier as being an allowable slope would be very difficult for homeowners to stand on to clear for fire safety purposes.

Randy Wall returned to point out that he referred to a build able slope of 30 percent, not 30 degrees.

The public hearing was closed.

Comm. Smith stated he liked the previous lot size proposal of 3.6 acre minimum, but does not approve of the clustering proposal, even though it is allowed in the General Plan. He stated that as a new Planning Commissioner, he might want to make a recommendation to change the General Plan and he quoted from a book "The Job of the Planning Commissioner": "A favorite trick of less scrupulous developers is to offer the unusable or unbuildable wasteland on the plot as open space, steep slopes, floodplains, gullies, and even former gravel pits, in order to increase the density of development on the more easily managed parts of the property." He said he was not making reference to the applicant, his engineer and representative, but to point out that he did not like clustering and would prefer that homes be built on 3.6 acre minimum lots that would be more in keeping with his vision of Auburn, as a Planning Commissioner.

Comm. McCord noted she had reviewed this project several years ago and the main concern at that time was fire safety. She felt that this issue had been addressed satisfactorily by the applicant.

Comm. Hale stated that with the addition of the road, hydrants, water, shaded fuel break and defensible space, this project is going to offer greater fire protection than exists now to those who live above this area. She felt good about the fire safe issues addressed, and also about the 70 acres of open space proposed.

Comm. Manning pointed out the positive aspect of the 23 homes in this proposed project that would be valued at \$500,000 or more and would represent a lot of disposable income to the area. He agreed with Comm. Smith that developing 3.6 acre sites would be ideal, but it appeared that was not feasible. He agreed with Comm. Hale that this project should en-

hance fire safety on the canyon rim and not detract from it, especially since if approved, fire equipment would be able to drive into the canyon on the new road for more immediate access.

He felt that whatever the applicant's motive, the clustering concept resulted in a plus for the reasons mentioned: well protected homes in the project; 70+ acres of open space; and an enhancement of fire protection for the surrounding community. While he had mixed emotions about some projects in the past, he had no mixed emotions about this one. He felt that this is an enhancement for the whole area and would be lovely place for people to live. He liked this type of exhaustive plan presented tonight, found that it was well done, questions had been answered in advance with the presentation, and he was very satisfied with the nature of this project.

Comm. Nesbitt stated concerns with access to the open space. He appreciated the effort to put in a defensible fire space and to dedicate some open space. He disagreed with the Negative Declaration, stating he understood the project design and concept and agreed with most of it, but felt there should be an EIR.

Comm. Manning **MOVED** to recommend that City Council adopt the Mitigated Negative Declaration for the Canyon Rim Estates project.

Comm. Hale **SECONDED**.

AYES:	Hale, Manning, McCord,
NOES:	Smith, Chrm. Nesbitt
ABSTAIN:	None
ABSENT:	None

The motion was approved.

Comm. Manning **MOVED** to recommend that City Council adopt the following findings of fact for the Canyon Rim Estates Rezone changing the zoning from Agricultural Residential with 3.6 acre minimum lot size to Agricultural Residential with 5.0 acre minimum lot size and Open Space:

1. The proposed rezone is consistent with the General plan; and
2. The proposed rezone is consistent with the public interest, health, safety and welfare of the City.

Comm. McCord **SECONDED**.

AYES:	Hale, Manning, McCord,
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NOES: Smith, Chrm. Nesbitt
ABSTAIN: None
ABSENT: None
The motion was approved.

Comm. Manning **MOVED** to recommend that City Council approve the Canyon Rim Estates Rezone changing the zoning from Agricultural Residential with 3.6 acre minimum lot size to Agricultural Residential with 5.0 acre minimum lot size and Open Space.

Comm. Hale **SECONDED**.

AYES: Hale, Manning, McCord,
NOES: Smith, Chrm. Nesbitt
ABSTAIN: None
ABSENT: None

The motion was approved.

Comm. Manning **MOVED** to approve the Canyon Rim Estates Tentative Subdivision Map subject to the conditions listed in Exhibit "A" of the staff report as modified by the Planning Commission.

Comm. Hale **SECONDED**.

AYES: Hale, Manning, McCord,
NOES: Smith, Chrm. Nesbitt
ABSTAIN: None
ABSENT: None

The motion was approved.

Comm. Manning **MOVED** to approve the Use Permit for the Canyon Rim Estates project subject to the conditions and findings listed in Exhibit "A" of the staff report.

Comm. Hale **SECONDED**.

AYES: Hale, Manning, McCord,
NOES: Smith, Chrm. Nesbitt
ABSTAIN: None
ABSENT: None

The motion was approved.

Comm. Manning **MOVED** to approve the Tree Permit for the Canyon Rim Estates project subject to the conditions listed in Exhibit "A" of the staff report.

Comm. Hale **SECONDED**.

AYES: Hale, Manning, McCord,
NOES: Smith, Chrm. Nesbitt
ABSTAIN: None
ABSENT: None

The motion was approved.

Chrm. Nesbitt stated that items D through F are subject to appeal and the appeal must be submitted in writing to the City Clerk within 10 days; the other items are recommendations to the City Council.

Steven Proe brought up a Point of Order: "This project goes forward to the City Council for approval of the Rezone, everything depends on the rezone so it would be premature for you to make any type of a decision that rests solely with the City Council, and that is my point of order."

ITEM VI:

COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS

A. City Council Meetings

None.

B. Future Planning Commission Meetings

There is no meeting scheduled for June 3, Director Wong will Schedule a discussion of the General Plan.

C. Reports

None

ITEM VII: PLANNING COMMISSION REPORTS

Comm. Manning suggests possibility at a future meeting of the Emigrant Trails group presenting SACOG information regarding studies on air quality, clean air agenda, etc.

ITEM VIII: FUTURE PLANNING COMMISSION AGENDA ITEMS

Discussion of having a consent calendar, and discussion of the disrepair of sidewalks in City.

ITEM IX: ADJOURNMENT

The meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Janet Elaine Ferro, Administrative Assistant